

REMARKS/ARGUMENTS

The applicants respond herein to the Official Action mailed on February 27, 2006.

Examiner's Comments

Claims 44, 45-49, 69-71, 75, 204-207, 214-216, 220-223 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that claim 44 recited "a geographic identifier", but such an identifier had already been recited in claim 21. Examiner stated that it was unclear whether this refers to a second identifier or to the identifier recited in claim 21.

The Examiner stated that as to claims 45-49, 69-71 and 75, these claims depend from claim 0, which does not exist and since application of prior art to the claims would require substantial speculation as to the scope of the claim by the examiner, no art rejection was applied and that the lack of an art rejection should not be interpreted as an indication of allowability.

The Examiner stated that as to claims 204-207, "the geographic location" lacks antecedent basis and claims 214 and 220-223 were canceled in a prior amendment, and appear to be shown as "previously presented" or "currently amended" in the current amendment and the claims are not further considered.

The Examiner stated that claims 215 and 216 are indefinite since they depend from a canceled claim and since application of prior art to the claims would require substantial speculation as to the scope of the claims by the examiner, no art rejection was applied and the lack of an art rejection should not be interpreted as an indication of allowability.

Applicant's Response

All of the previous claim inconsistencies have been corrected in the currently amended claims.

Examiner's Note Regarding Examination

The Examiner stated that it is noted that the disclosure of application 09/505,619 does not appear to provide enabling support for the amended claims and in a review of that disclosure, it appears that "utilizing at least in part the combination of the geographic descriptor...and the further data element to select among multiple items available for that geographic descriptor..." is not shown or enabled and that in examining the amended claims, the filing date of the present application was therefore determined to be the effective filing date.

Applicant's Response Per Examiner's Note Regarding Examination

Applicant respectfully believes that the disclosure of application 09/505,619 provides enabling support for the amended claims, and more specifically, for the limitation, "utilizing at least in part the combination of the geographic descriptor...and the further data element to select among multiple items available for that geographic descriptor..." For example, this limitation, is described in at least the following locations of application 09/505,619 which is a continuation of 6,055,513:

Column 21, lines 44-54: "At a lesser level of specificity, namely, one at which a specific user may not be identified, various forms of identification exists. For example, a telephone number may provide geographic indication, such as through knowledge of its area code, or provide even more geographic specificity through the prefix. Other geographic descriptors, such as zip code or the finest level of geographic granularity (zip code plus 4) may be utilized. A residential customer number may not yet specify a particular customer within a household or location. Other forms of address, such as fax number, may be utilized to provide a local identification."

Column 12, lines 7-14: “A second data element is then obtained, preferably from a second, and most preferably remote, database which is then used in conjunction with the primary transaction or primary interaction data so as to select a subset of potential of offers of goods, services or information to the user. Upon selection, the goods, services or information are provided to the user, and if the interaction is for the purpose of sale, the transaction is preferably consummated.”

Column 22, lines 3-6: “As yet another aspect of identification, multiple individual items of identification may be combined or otherwise utilized in combination to provide yet further identification, confirmation or verification of identity.”

As such, Applicant respectfully believes the filing date of the present application is tied to the 09/505,619 patent (filed 02/16/2000) because its disclosure does provide enabling support for the amended claims.

Examiner's Comments

The Examiner stated that claims 21-23, 40, 43, 44-46, 50, 68-71, 198-211, 217 are rejected under 35 U.S.C. 102(e) as being anticipated by Fano (6,317,718).

Applicant's Response

Although the Examiner rejected independent claims 21, 68 and 217, no support from Fano was used to reject any element in the independent claims. Therefore, Applicant believes the current claims are in condition for allowance and respectfully requests they be passed to allowance.

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Respectfully submitted,
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